

DRAFT

Attorney General Chris Koster:

I valued the opportunity to speak with you this week about the need to ensure continued protection of public health at the West Lake Superfund site. As we discussed, the Environmental Protection Agency's (EPA) Region 7 team of experts continues taking decisive actions at the West Lake Superfund site. I am pleased to further report to you after considered deliberations of EPA's authority that we intend to revise the Operable Unit boundaries at West Lake/Bridgeton in order to exercise regulatory authority over the Potentially Responsible Parties. Our increased efforts will ensure continuity and consistency of ongoing site evaluations.

which
OU
boundary
is changing?
Both?

These actions demonstrate EPA's commitment to manage radiologically impacted material (RIM), regardless of where it is located within the landfill site. EPA's jurisdiction under the Comprehensive Environmental Response, Compensation, and Liability Act, also known as Superfund, includes the location of a release of hazardous substances and wherever hazardous substances have come to be located.

As you may be aware, in May 2008 EPA issued a Record of Decision (ROD) for what has been designated Operable Unit 1 of the site, and in July 2008 a ROD for what has been designated Operable Unit 2 of the site. As described in these RODs, OU 1 consists of the radiologically contaminated landfill areas and OU 2 consists of the other landfill areas where hazardous substances are present but that are not impacted by radionuclide contaminants. Bearing in mind that EPA's jurisdiction under CERCLA generally extends only to hazardous substances and not to solid waste or trash, EPA's jurisdiction extends, as indicated by our RODs, to wherever hazardous substances are located within the landfill complex. As our OU2 ROD indicated, hazardous substances, including certain total organic carbons, total petroleum hydrocarbons, volatile organic compounds, and metals, have been detected in soils and groundwater within the landfill. EPA's jurisdiction applies to these hazardous substances and areas as well.

Through the Agreed Order entered in the Circuit Court of St. Louis County, the State has claimed numerous environmental authorities, which EPA considers to be complementary to its own. The State has taken the lead with regard to the subsurface smoldering event. We believe that a continued coordinated effort for accomplishing our mutual goals will have the greatest effect.

Regarding our conversation about the possibility that radionuclides have impacted leachate at the site, we continue to gather information so that we may create a more definitive picture of what the facts are and their implications. [There is a call with MDNR on 3/14 to discuss.]

We will continue to ~~foster improved~~ ^e coordination and ~~communication~~ ^e with you and your colleagues in the State of Missouri as we work to accomplish our shared goal of protecting the health of all Missourians.

We are
already
exercising
reg with
the PRPs